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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 PAUL WHITFORD and MEGAN
11 JAYNE WHITFORD,

12 Plaintiffs,

13 v.

14 MT. BAKER SKI AREA, INC., a
Washington Corporation,

15 Defendant.
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CASE NO. 11-0112-RSM

ORDER ON DEFENDANT'S
MOTIONS *IN LIMINE*

17 THIS MATTER comes before the Court upon Defendant's Motion *in Limine* (Dkt. #
18 63). Having considered the pleadings and the records on file herein, the Court hereby finds and
19 ORDERS:

- 20 1. That Defendant's Motion *in Limine* to exclude the testimony and qualification of Mr.
21 Richard Penniman as an expert witness is DENIED per the Court's Order, Dkt. # 68.
22 2. That Defendant's Motion *in Limine* to exclude the testimony of Mr. Penniman
23 regarding the duty of care as a common carrier is GRANTED in part. The Court's
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Order (Dkt. # 68) addressed this issue in further detail and restricts Mr. Penniman from offering legal conclusions regarding the duty of care.

3. That Defendant's Motion *in Limine* to exclude testimony by Mr. Penniman regarding the legal duty to provide instruction on chair lift loading is GRANTED.
4. That Defendant's Motion *in Limine* to exclude evidence or testimony by Mr. Penniman regarding the applicability of OSHA and WISHA standards is GRANTED pursuant to Federal Rule of Civil Procedure 37(c)(1). However, the Court DEFERS ruling on the use of the OSHA and WISHA standards for any other purpose allowed under Rule 37(c)(1).
5. That the parties have represented to the Court that they have STIPULATED to Defendant's Motion *in Limine* to exclude as an exhibit Mr. Penniman's CV.
6. That the parties have represented to the Court that they have STIPULATED to Defendant's Motion *in Limine* to exclude law testimony regarding future medical expenses.

The Clerk is directed to forward a copy of this Order to all counsel of record.

Dated April 12, 2012.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE